



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 13, 1995

Ms. Alesia L. Sanchez
Legal Assistant
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR95-592

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32437.

The Texas Department of Insurance (the "department") received a request for information concerning Amwest Surety Insurance Company (the "company"). You say some of the requested information will be released to the requestor. However, you say the department seeks to withhold from required public disclosure based on section 552.112 of the Government Code an examination report concerning the company. The department received this report from the California Department of Insurance.

Section 552.112(a) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

This provision excepts from required public disclosure reports that were prepared by or for an agency that regulates or supervises financial institutions and that reveal the financial status and dealings of a financial institution. See Open Records Decision No. 483 (1987). Insurance companies are included within the term "financial institutions" for purposes of section 552.112(a). Open Records Decision No. 158 (1977) at 5-6. The examination report at issue reveals the company's financial status and dealings. We, therefore, conclude that the department may withhold this report from required public disclosure pursuant to section 552.112(a) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 32437

Enclosures: Submitted documents

cc: Ms. Karen S. Wright
Bracewell & Patterson, L.L.P.
100 Congress, Suite 1900
Austin, Texas 78701-4052
(w/o enclosures)